

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ARNOLD R. DORMER, JR.,

Case No. 11-27934-PJD

Debtor

Chapter 11

**MOTION TO DETERMINE LOAN BALANCES OWED BY REORGANIZED DEBTOR
TO FAY SERVICING LLC, AS ASSIGNEE OF WELLS FARGO HOME MORTGAGE**

Comes now Arnold R. Dormer, Jr., the Reorganized Dormer (“Dormer”), by counsel, and moves the Court, pursuant to the terms of the Confirmed Plan of Reorganization, to determine proper balances owed by Dormer to Fay Servicing LLC (“Fay”), as assignee of Wells Fargo Bank, N.A. (“Wells Fargo”), and in support of his Motion, would show the Court as follows:

FACTS

1. This Chapter 11 case was filed on August 5, 2011.
2. On January 27, 2012, Dormer filed his Second Amended Plan of Reorganization (the “Plan”). Wells Fargo was listed as a creditor under Class 151 of the Plan.
3. Wells Fargo filed certain objections to the Plan. With regard to the Class 151 Claim secured by 4041 Knob, Memphis, Tennessee, Dormer and Wells Fargo resolved the objection by making modifications to the treatment of the Class 151 claim as set forth in the Agreed Order entered on July 31, 2012 [D.E. 613].
4. On August 30, 2012, the Court entered its Order Confirming Plan [D.E. 652].
5. The effective date of the Plan was October 15, 2012.
6. Fay, as assignee of Wells Fargo, has failed to provide correct itemized statements of the outstanding loan balances prior to the effective date of the Plan.

7. In spite of repeated communications requesting that Fay recognize the effect of the confirmed Plan, adjust its records accordingly, and provide correct statements, it has failed to do so.

8. The Reorganized Dormer moves the Court to compel Fay to comply with the terms of the Agreed Order of July 31, 2012 and the Order Confirming Plan.

WHEREFORE, Dormer prays that the Court make a determination that the principal balance owed to Fay is as set out in the Agreed Order resolving its Objection to Confirmation as of the Effective Date and that all payments due under the Plan are current, that the Court compel Fay to comply with the terms of the Agreed Order of July 31, 2012 and the Order Confirming Plan and provide correct statements, and for such other relief to which he may be entitled.

Respectfully submitted,

BEARD & SAVORY, PLLC

/s/ Russell W. Savory

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901-523-1110

CERTIFICATE OF SERVICE

I, Russell W. Savory, do hereby certify that a true and genuine copy of the foregoing pleading has been served on following parties by electronic notice or U.S. Mail, this 2nd day of October, 2018:

Fay Servicing
P.O. Box 809441
Chicago, IL 60680

/s/ Russell W. Savory

Russell W. Savory